

Background Check Frequently Asked Questions & Answers

1. I want to apply for a license with the Bureau of Health Care Quality and Compliance, is a background check required?

Maybe – background checks are required for the following facility types:

- a facility for intermediate care
- a facility for skilled nursing
- residential facility for groups
- an agency to provide personal care services in the home
- a home for individual residential care
- a medical facility or facility for the treatment of abuse of alcohol or drugs **IF** residential services are provided to children (*if you fall into this category please contact the Bureau for more information*)

2. Can I submit my fingerprints to the Department of Public Safety before I submit my licensure application to the Bureau of Health Care Quality and Compliance?

No. You must submit your licensure application to the Bureau first. After your application is submitted you will receive a letter from the Bureau which must be submitted to the Department of Public Safety (DPS) when you submit your fingerprints with your DPS civil application. This will serve as your proof of eligibility from the Bureau to have a background check run. DPS will not accept your DPS civil applicant application without this letter.

3. When I look up background check numbers such as NRS 449.176 on the internet, it says it has been replaced with a revision such as NRS 449.122, what does that mean?

The background check statutes have been re-numbered. You can still go to the old number but it will no longer have any associated language with it. It will have a link to redirect to you to the revised NRS. Please go to the revised NRS to review any changes that may have been made to the statutes as a result of the 2011 legislative session. Background checks conducted under the old numbering system will be rejected.

4. When do I use NRS 449.122 (used to be 449.176)?

NRS 449.122 is used during an agency's, home or facility's initial application to background check the facility (owners). Instructions on how to conduct the background checks are provided in the initial licensure packet found at:

<http://www.health.nv.gov/HCQC/Forms/LICAPP.pdf>

Only NRS 449.122 can be used for the purposes of obtaining a license – use of any other NRS or use of a personal criminal history check will not be accepted by the Bureau.

5. I am a licensed Bureau of Health Care Quality and Compliance agency, facility or home whose employees are required to be background checked, do I need to establish an account with the Department of Public Safety (DPS) to have my employees background checked?

Yes, once you become licensed you must open an account with DPS to have your employees background checked. You cannot do this until you become licensed. DPS will require that you submit a copy of your license with your DPS civil applicant application. To set up a DPS account go to the DPS website at: <http://www.nvrepository.state.nv.us>. Once the site opens choose the fiscal/billing information in the left hand box then choose the Civil Applicant Billing Account Request Form which gets you to the required application and checklist. Make sure you follow all of the instructions.

6. When do I use NRS 449.123 (used to be 449.179)?

NRS 449.123 is to be used to background check a facility's employees and independent contractors. Only NRS 449.123 can be used for this purpose— use of any other NRS or use of a personal criminal history check will not be accepted during a Bureau's review of personnel background check records during an inspection.

7. Can I submit my fingerprints to the Department of Public Safety before I submit my licensure application to the Bureau of Health Care Quality and Compliance?

No. You must submit your licensure application to the Bureau first. After your application is submitted you will receive a letter from the Bureau which must be submitted to the Department of Public Safety (DPS) when you submit your fingerprints with your DPS civil application. This will serve as your proof of eligibility from the Bureau to have a background check run. DPS will not accept your DPS civil applicant application without this letter.

8. Who pays for the background checks?

Applicant for Licensure with the Bureau of Health Care Quality and Compliance

The applicant is responsible for paying the background check costs, including the costs to be fingerprinted, state and federal background checks.

Agencies, facilities or homes that must have their employees background checked

An agency, facility or home is responsible for paying the background check costs imposed by the Department of Public Safety's Central Repository. An agency, facility or home that is required to have its employee's background checked may recover from the employee or independent contractor not more than one-half of the fee imposed by the Central Repository. If the agency, facility or home requires the employee or independent contractor to pay for any part of the fee imposed by the Central Repository, it shall allow the employee or independent contractor to pay the amount through periodic payments.

9. I am a licensed facility but my employees are not required to undergo a background check, can I still have my employee's background checked?

Yes, if your facility is required to obtain background checks by another State Agency, such as Medicaid or Mental Health, it is important that you first contact that State Agency for information on how to meet its requirements for background checks. Follow the background check requirements of the State Agency. If your facility is **NOT** required to obtain background checks by another State Agency, you can have a policy that your employees get background checked but they cannot be checked under NRS 449.123. You may obtain a background check of your employees in accordance to NRS 179A.100. Please go to Department of Public Safety's website at: <http://nvrepository.state.nv.us/criminal.shtml> for instructions, forms and information on how to background check your employees.

It would also be up to your facility to determine what crimes would disqualify a person from employment.

10. My facility, agency or home is a Medicaid provider and is also a Bureau of Health Care Quality and Compliance (HCQC) facility type that is required to have employees background checked, will the background check done for the purposes of Medicaid count for the Bureau?

No. The Bureau will only recognize employee and independent contractor background checks run under NRS 449.123. Please contact Medicaid for Medicaid's background check requirements.

11. I am not a licensed Bureau of Health Care Quality and Compliance agency, facility or home but Medicaid, Mental Health services or other state agency requires that I background check my employees, can they be checked using NRS 449.123?

No. Only the licensed facility, agency or home types listed in NRS 449.123 may use this NRS to background check their employees. Please contact the state agency that is requiring your employees to be background checked for the appropriate NRS to conduct background checks. If your facility is **NOT** required to obtain background checks by another State Agency, you can have a policy that your employees get background checked but they cannot be checked under NRS 449.123. You may obtain a background check of your employees in accordance to NRS 179A.100. Please go to the Department of Public Safety's website at: <http://nvrepository.state.nv.us/criminal.shtml> for instructions, forms and information on how to background check your employees.

It would also be up to your facility to determine what crimes would disqualify a person from employment.

12. I am a licensed Bureau of Health Care Quality and Compliance agency, facility or home whose employees are required to be background checked how are independent contractors background checked?

Follow the same background check process that you do for employees.

13. What do I do when a background check comes back undecided and what does that mean?

An undecided means the individual has been arrested for an offense which would disqualify the individual under NRS 449.174 (used to be 449.188) if the individual is convicted when the case is adjudicated. You may employ the individual, if you choose to do so, but we strongly encourage you to determine the status of the pending case. The Department of Public Safety will not notify you of the disposition of the case when it is finally adjudicated; but you are required to terminate the individual if you learn from any source that the individual is convicted of a disqualifying offense.

14. I was told by my employer that my background check was positive. Can I challenge my background check result? If so, how do I challenge my background check result?

Yes, if an employee or independent contractor believes that the information provided by the Central Repository is incorrect, the employee or independent contractor may immediately inform the agency, facility or home that required him or she to be background checked. An agency, facility or home that is so informed shall give the employee or independent contractor a reasonable amount of time of not less than 30 days to correct the information received from the Central Repository before terminating the employment or contract of the person.

To challenge your background check result go to the Department of Public Safety's website at: <http://www.nvrepository.state.nv.us/criminal.shtml> for the information you need to request a criminal history challenge.